

MARTELLO LAMAGNA & OLIVIERI, P.C.

ATTORNEYS AT LAW

666 Old Country Road, Ste. 210, Garden City, New York 11530

Telephone: (516) 228-3333

Telecopier: (516) 228-3339

Long Island Office:Direct all replies & correspondence
to Garden City Office**Manhattan Office:**350 Broadway, Suite 1207
New York, New York 10013
Telephone (212) 965-1066USDC SDNY
DOCUMENT
ELECTRONICALLY FILED

DOC #:

DATE FILED: 3/14/08

March 14, 2008

VIA FAX (212-805-7920)

The Honorable Shira A. Scheindlin U.S.D.J.
Daniel P. Monahan U.S. Courthouse, Room 1620
500 Pearl Street
New York, NY 10007-1312**Re: Claymont v. Sabourin, Irwin, Keaveney, et al.**
Docket No. 07-CV-8246RECEIVED
CHAMBERS OF

MAR 14 2008

JUDGE SCHEINDLIN

Dear Judge Scheindlin:

I am respectfully requesting an extension of time to bring default judgment for nonappearance by defendants Sabourin, Irwin, Keaveney, et al. from March 19, 2008 to April 5, 2008 in the above-referenced matter.

First and foremost, you granted an Order of Publication concerning Mr. Sabourin that was completed on March 5, 2008. Unfortunately, for some reason the newspaper, The Huntsville Forester, has not wanted to sign the accompanying Affidavit as required as proof of publication despite the fact that they forwarded us a copy of the publication, etc. As you can see from the accompanying e-mails, my associate has been frantically trying to get them to sign the short Affidavit (which is also annexed) that will enable us to obtain the Clerk's Certificate for default. As you are well aware, the Clerk's Office will not issue said Certificate unless they have the Affidavit. As it is presently with the attorneys for the newspaper we are out of time to get this and file the appropriate default papers on March 19, 2008.

Moreover, as you will note that the Summons allows the defendant Sabourin to have 30 days from the date of the last publication to impose an answer or appear. Given that the March 19th date is well before the time in which Mr. Sabourin's time to appear or answer would expire it is respectfully requested that the Court grant a date that would allow Mr. Sabourin, if he is going to appear, to impose his answer.

Thank you for the courtesy extended in this matter.

Very truly yours,

DANIEL R. OLIVIERI, ESQ.

DRO:ds

Enclosures as stated

Date: March 14, 2008

Shira A. Scheindlin, USPJ

Plaintiff's request is granted. Plaintiff's time to move for entry of default is extended from March 19, 2008 to April 5, 2008.

SO ORDERED: